

# PATENT COOPERATION TREATY

# PCT

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference <b>8627/948</b>	<b>FOR FURTHER ACTION</b>		See item 4 below
International application No. <b>PCT/US2005/025188</b>	International filing date ( <i>day/month/year</i> ) <b>15 July 2005 (15.07.2005)</b>	Priority date ( <i>day/month/year</i> ) <b>21 July 2004 (21.07.2004)</b>	
International Patent Classification (8th edition unless older edition indicated) <b>See relevant information in Form PCT/ISA/237</b>			
Applicant <b>COOK INCORPORATED</b>			

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 *bis*.1(a).

2. This REPORT consists of a total of 6 sheets, including this cover sheet.

In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

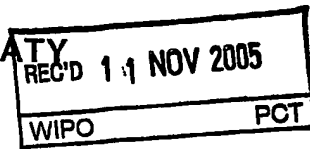
3. This report contains indications relating to the following items:

- |                                     |              |   |
|-------------------------------------|--------------|---|
| <input checked="" type="checkbox"/> | Box No. I    | Basis of the report   |
| <input type="checkbox"/>            | Box No. II   | Priority  |
| <input type="checkbox"/>            | Box No. III  | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability  |
| <input type="checkbox"/>            | Box No. IV   | Lack of unity of invention  |
| <input checked="" type="checkbox"/> | Box No. V    | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/>            | Box No. VI   | Certain documents cited   |
| <input type="checkbox"/>            | Box No. VII  | Certain defects in the international application  |
| <input type="checkbox"/>            | Box No. VIII | Certain observations on the international application   |

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Date of issuance of this report <b>23 January 2007 (23.01.2007)</b>
Facsimile No. +41 22 338 82 70	Authorized officer  <b>Athina Nickitas-Etienne</b>  e-mail: pt04@wipo.int

# PATENT COOPERATION TREATY



From the  
INTERNATIONAL SEARCHING AUTHORITY

PCT

To:

see form PCT/ISA/220

*PCT/ISA*

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY  
(PCT Rule 43bis.1)

Date of mailing  
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference  
see form PCT/ISA/220

**FOR FURTHER ACTION**  
See paragraph 2 below

International application No.  
PCT/US2005/025188

International filing date (day/month/year)  
15.07.2005

Priority date (day/month/year)  
21.07.2004

International Patent Classification (IPC) or both national classification and IPC  
A61M25/06, B29C47/06

Applicant  
COOK INCORPORATED

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43b/s.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

## 2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1b/s(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



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**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/US2005/025188

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**Box No. I Basis of the opinion**

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1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
  - ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
  - a. type of material:
    - ☐ a sequence listing
    - ☐ table(s) related to the sequence listing
  - b. format of material:
    - ☐ in written format
    - ☐ in computer readable form
  - c. time of filing/furnishing:
    - ☐ contained in the international application as filed.
    - ☐ filed together with the international application in computer readable form.
    - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/US2005/025188

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**Box No. V Reasoned statement under Rule 43b/s.1(a)(i) with regard to novelty, inventive step or  
Industrial applicability; citations and explanations supporting such statement**

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**1. Statement**

Novelty (N)	Yes: Claims	7-10,14,15,18-20
	No: Claims	1-6,11-13,16,17
Inventive step (IS)	Yes: Claims	
	No: Claims	1-20
Industrial applicability (IA)	Yes: Claims	1-20
	No: Claims	

**2. Citations and explanations**

**see separate sheet**

**Re Item V.**

- 1 Reference is made to the following documents:

D1 : EP 0 662 385 A (CORDIS EUROPA N.V) 12 July 1995 (1995-07-12)

D2 : US 5 380 304 A (PARKER ET AL) 10 January 1995 (1995-01-10)

2 INDEPENDENT CLAIM 1

- 2.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 is not new in the sense of Article 33(2) PCT.

Document D1 discloses also a method of manufacturing a catheter, which is a technical equivalent of an introducer sheath, comprising positioning a first polymeric sleeve over a mandrel depicted after the extruder at figure 2, the first polymeric sleeve comprising a first striped extrusion arranged in a generally helical pattern (see figure 2) along the first sleeve, positioning a second polymeric sleeve over the first sleeve (by extrusion, see figure 4), the second polymeric sleeve comprising a second striped extrusion arranged in a generally helical pattern along the second sleeve, the first and second polymeric sleeves being axially aligned such that said second striped extrusion is superposed over said first striped extrusion to define a generally braid-like configuration and heating the first and second polymeric sleeves.

Thus the subject-matter of claim 1 is considered to encompass within its scope coextrusion, cf. also claim 6 of the application in suit.

Would the subject-matter of claim 1 be limited to post-assembling of tubes as described in figure 7, it would also be considered as to lack an inventive step.

3 INDEPENDENT CLAIM 11

- 3.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 11 is not new in the sense of Article 33(2) PCT.

The reasons are equivalent to those raised in respect of independent claim 1.

4 DEPENDENT CLAIMS 2-10 and 12-20

Dependent claims 2-10 and 12-20 do not contain any features which, in combination

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING  
AUTHORITY (SEPARATE SHEET)**

International application No.

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with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step (Article 33(2) and (3) PCT). The reasons are the disclosure by D1, the obviousness in respect of D2 for instance or the mere optionality. The additional features of dependent claims 10 and 19 are considered as not resolving any particular technical problem, but being merely one of several straightforward possibilities from which the skilled person would select, in accordance with circumstances, without the exercise of inventive skill, in order to solve an obvious or at least not identified technical problem.